

Filed 6/26/08 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2008 ND 119

State of North Dakota,

Plaintiff and Appellee

v.

Jeffrey Schmeets,

Defendant and Appellant

Nos. 20070360 & 20070361

Appeals from the District Court of Sheridan County, South Central Judicial District, the Honorable Robert O. Wefald, Judge.

AFFIRMED AND REMANDED.

Per Curiam.

Walter Mathias Lipp (argued), State's Attorney, 208 South Main Street, P.O. Box 590, McClusky, ND 58463-0590, for plaintiff and appellee.

Monty Jay Stensland (argued), 414 ½ DeMers Avenue, Suite 12, Grand Forks, ND 58201, and Steven D. Motttinger (on brief), 15 9th Street South, Fargo, ND 58103-1830, for defendant and appellant.

State v. Schmeets
Nos. 20070360 & 20070361

Per Curiam.

[¶1] Jeffrey Schmeets appeals from the district court's order revoking his probation because he violated the terms of his release.

[¶2] We affirm the order under N.D.R.App.P. 35.1(a)(2) and (4) because the district court's findings of fact were not clearly erroneous and because the court did not abuse its discretion in revoking probation. However, we remand the order to the district court to correct two clerical errors. Contrary to the order, Schmeets did not admit to the probation violations and he tested positive for methamphetamine rather than for marijuana.

[¶3] Gerald W. VandeWalle, C.J.
Daniel J. Crothers
Dale V. Sandstrom
Carol Ronning Kapsner
Mary Muehlen Maring